



So Ordered.

Signed this 4 day of January, 2019.

Diane Davis
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

VINCENT D. IOCVOZZI,
Debtor.

Case No.: 13-62035-6-dd
Chapter 13

Order Confirming No Stay

Upon the Motion of Berkshire Bank (“Movant”) for an Order pursuant to 11 U.S.C. § 1301 and Federal Rule of Bankruptcy Procedure 9013: 1) confirming that the automatic stay does not apply to V.J. Iocovozzi Funeral Home, Inc. (the “Funeral Home”), or, in the alternative, granting Movant relief from the automatic stay pursuant to 11 U.S.C. § 362(d); and 2) for such other and further relief as the Court deems just, proper and equitable under the circumstances (the “Motion”), and the Debtor having filed opposition to the Motion; and Wendy A. Kinsella, Esq. of Harris Beach PLLC having appeared on behalf of Berkshire Bank in support of the Motion; Carol A. Malz, Esq. having appeared on behalf of the Debtor; and Edward J. Fintel, Esq. having appeared on behalf of the Chapter 13 Trustee; and the Court having considered the Motion, it is hereby

ORDERED, that it is confirmed that the automatic stay is not in effect as to the Funeral Home and Movant may pursue any rights it has against the Funeral Home and the Funeral Home's collateral pledged to the Movant; subject to all rights, claims and defenses of the Funeral Home that may exist; and it is further

ORDERED, that the stay remains in place with regard to property of the Debtor including all of the Debtor's real estate; and it is further

ORDERED, that the Movant shall account to the Funeral Home any surplus money realized from the sale of the Funeral Home collateral and shall provide the Debtor and Trustee with an accounting of same.

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